

APPROVED: Meeting No. 10-92

ATTEST: *Sharon A. Gran*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 09-92

February 25, 1992

The Mayor and Council of Rockville, Maryland, convened in Worksession in the Boards and Commissions Room, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on February 25, 1992, at 7:00 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember James T. Marrinan
(arrived at 7:30 p.m.)

Councilmember David Robbins

ABSENT

Councilmember Rose Krasnow

In attendance: City Manager Bruce Romer and City Clerk Sharon Gran.

Re: Worksession with Rockville
Consortium for Science

M. Sheila Marshall, President, and Rockville Consortium for Science (RCS) members Barbara Enagonio, Vincent LaPosta, Ray Wassel, John D'Agostino; Kenneth Falci, Chairperson, and Science and Technology Commission member Michael Weickert discussed the following with the Mayor and Council.

Ms. Marshall stated that the Consortium is requesting the City to give active and public support to their effort to establish a community science center in Rockville's Town Center. She noted

Meeting No. 09-92

2

February 25, 1992

that the proposed center conforms to the desire in the Town Center Master Plan to support cultural and community service facilities. The inclusion of the science center will support and enrich development and make the area active on nights and weekends as well as during traditional business hours.

The Consortium requested confirmation from the Mayor and Council as to their willingness to instruct City staff to consult and cooperate with RCS on matters such as availability of interim facilities, selection of a site for permanent facilities, consultation/negotiation with developers and landowners, support of interim activities, etc.

Mayor Duncan responded that the Mayor and Council fully agree with the proposal set forth by Ms. Marshall. Unfortunately, however, the City cannot contribute any monetary funding but will provide support in the form of City staff assistance.

RCS has organized and presented two Science Days and is planning the third for Sunday, April 26. In addition to the City of Rockville, RCS has three sponsors for this program, Montgomery College/Rockville Campus, the Montgomery County High Technology Council and General Electric Information Services.

Discussion followed regarding the establishment of an honorary board and funding for an interim facility. There was further discussion regarding use of resources such as the National Advertising Council and information as to what similar communities have done through public-private partnerships.

Mr. Weickert advised that the Association of Science and Technology Centers has slides available which would illustrate the science center concept being promoted. Also, members of the Science and Technology Commission have been visiting science centers and have videotaped these visits.

Meeting No. 09-92

3

February 25, 1992

Councilmember Robbins asked for a list of places around the country which have science centers similar to the one being proposed for Rockville. During travel, it may be possible to visit some of these sites.

The need to raise awareness was discussed, and it was suggested that a joint letter from the Mayor and Ms. Marshall be sent to generate private sector interest. The Chamber of Commerce, I-270 Partnership and Town Center Business Association should be among the list of contacts.

Mayor Duncan requested that RCS prepare a written plan that can be left with prospective sponsors and staff will respond as to what type of assistance can be provided.

Re: Worksession regarding
Annexation Petition X-110-
91, annexation and zoning
of approximately 486 acres
of land located north of
Gude Drive and west of
Frederick Road (Maryland
Route 355)

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran, City Attorney Paul Glasgow, Assistant City Manager Rick Kuckkahn, Community Development Director Neal Herst and Chief of Planning Larry Owens.

Staff has prepared a summary of substantive issues contained in the record of the public hearing. The purpose of the worksession is to provide an opportunity for the Mayor and Council to give staff feedback on these issues and instructions as to preparation of a draft annexation agreement.

Mr. Owens reviewed the following issues, noting that staff attempted to categorize comments by topic. Staff recommendations are not in final form, but are submitted for Mayor and Council guidance.

Proposed Zoning Map

Meeting No. 09-92

4

February 25, 1992

Final Report Recommendation - The proposed zoning map is for O-3 on the Irvington Farm properties, and C-2 on the Malasky property.

- o Montgomery County Planning Board - Zoning is premature. Should not rezone Irvington Farm until one of the following transit strategies recommended in the Shady Grove Plan has been implemented:
 - Construction funds for the northern transitway and the Life Sciences Center transit spur are included in the State's Consolidated Transportation Program or County's CIP;
 - Operating funds for an interim transit plan are identified; or
 - A development district is approved.

Staff Recommendation - No change to proposed zoning map. Under the terms and conditions recommended for annexation, no development will occur until a comprehensive planned development application is approved by the Mayor and Council which must include acceptable transportation strategies to support the requested land uses.

- o Montgomery County Planning Board - The County shows the site as a base zone of residential (R-200) with a floating mixed use zone; Rockville has office zone (O-3).

Staff Recommendation - No change. This is a procedural difference between City and County application of planned developments. The City will prepare and file Zoning Ordinance amendments to allow residential densities and commercial use opportunities compatible with the County MXPD Zone. The end state development will be comparable to the land use recommendations in the Shady Grove Plan.

Councilmember Coyle referred to the language in the staff recommendation above, "must include acceptable transportation strategies to support the requested land uses." He asked if staff is

Meeting No. 09-92

5

February 25, 1992

looking at acceptable strategies other than transitways, and staff responded that other transportation management approaches will be reviewed.

Malasky Property

- o Owner's Attorney - Would like assurance that water and sewer service and two-way road access will be provided to the property by the City.

Final Report Recommendation - The Malasky property is recommended for C-2, General Commercial zoning and would not be covered by the annexation agreement.

Staff Recommendation - No change. The Malasky property will be annexed and placed in the C-2 Zone without conditions or restrictions. Therefore, matters of utility service and access will be reviewed and decided as part of the typical Use Permit review process. The text of the final report states that improved access should be provided to facilitate development in the C-2 Zone. It is also clearly the intent of the City to provide water and sewer service upon annexation of the parcel.

Councilmember Marrinan asked if an annexation agreement had been requested for this property. Staff responded that an annexation agreement is actually a restrictive device, and it is more advantageous to the property owners not to have an annexation agreement. It was noted that staff would work toward improving access to the property through the normal course of activity.

Outline of Facilities and Services

- o Montgomery County Planning Board; Montgomery County Executive - Both claim that the final report and fiscal impact study do not satisfy State requirements (Article 23A, Section 19) for an outline for the extension of services and public facilities into the area proposed to be annexed.

Staff Recommendation - We believe the discussion of public facilities and services more than

Meeting No. 09-92

6

February 25, 1992

adequately addresses the requirement of the State code. The County has found far less to be acceptable in past annexations, and the level of detail is equal to that in the Shady Grove Plan. The inclusion of a fiscal impact analysis in this particular report goes well beyond the intent of the State requirements. The Maryland Office of Planning, in its review of the report and process, has not identified any concern with the content of the report.

The City Attorney advised Councilmember Robbins that the City has complied with the State Code which provides that a proposed outline for the extension of services and public facilities into the area proposed to be annexed be forwarded to the appropriate governmental agencies. He is confident that the City has met the spirit and intent of the law.

Funding of Public Facilities

- o Montgomery County Planning Board; Montgomery County Executive; petitioners' attorney; civic associations - The County is concerned about how public services will be provided and what the fiscal implications will be for the County. The petitioners' attorney is requesting flexibility in attributing costs where others benefit from or share the facilities being provided.

Final Report Recommendations -

- *The Irvington Farm properties will not be precluded from the establishment by the County of a Tax Increment Financing Development District and any other special revenue measures the County might impose upon property owners in the Gaithersburg Vicinity Master Plan area for the purpose of financing construction of infrastructure in the area.*
- *The owners of the Irvington Farm properties shall resolve their objection to a special assessment for construction of Gude Drive along the property frontage and agree to accept any outstanding special assessments levied by the County for Gaither Road and Redland Road through the*

Meeting No. 09-92

7

February 25, 1992

properties.

- *The owners shall convey, at no cost, to the Montgomery County Board of Education public school sites consistent with the recommendations in the Shady Grove Plan as needed to serve the projected population on the Irvington Farm properties. Other sites for school, library, and fire station use shall be reserved if found necessary during the subsequent Concept Plan application for a Comprehensive Planned Development.*
- *The owners/developers shall be financially responsible for all on and off-site public facilities necessary for subsequent development of the properties.*

Staff Recommendation - The final report has emphasized that annexation and subsequent development should not bring a financial burden to the citizens of Rockville. This is equally true for the citizens of Montgomery County. The requirements of the annexation are intended to make clear that the developers shall be responsible for public facilities necessary for development of the Irvington Farm property. This requirement, however, would not preclude the developer from seeking cooperation from other property owners or public agencies to help provide shared facilities or equitable means of funding major projects. However, the City should not suffer an adverse fiscal impact should the developer seek to utilize tax incremental financing or other financing techniques.

Annexation will relieve Montgomery County from certain costs (recreation and parks, road maintenance, refuse collection, some police services, zoning/planning, and the like) without any loss in tax revenue from subsequent development.

Councilmember Coyle referenced the paragraph concerning sites for school, library and fire station use and asked the amount of acreage. Staff responded that it is determined during the

Meeting No. 09-92

8

February 25, 1992

Concept Plan application stage of the project. It was noted that there will be enough residential use on the property to require a new elementary school. Finally, it was emphasized that it is the responsibility of the developers to find the means of bringing needed facilities to the site.

Staging

- o Maryland Office of Planning - The City should impose strict staging limits in the development plan so that public facilities can be provided in an orderly manner to meet demands posed by development on the site.

Final Report Recommendation - The subsequent Concept Plan application shall contain ... a detailed transportation analysis, prepared in accordance with the City's Standard Traffic Methodology, to determine the final amounts and staging of development in accordance with the adequacy of the existing and proposed transportation network.

Staff Recommendation - This requirement should be expanded to stipulate that other public facilities (community facilities, utilities, etc.) will also be factors in determining the staging of development.

Staff noted that modest changes or additions are necessary.

Environment

- o Maryland Office of Planning; several individuals; civic associations -The City should impose conditions on development that will protect and enhance the site's environmental quality with particular emphasis on protecting the headwaters of Watts Branch.

Final Report Recommendation - The subsequent Concept Plan application shall contain a comprehensive environmental study including the following elements:

- *Identification and methods of protection and enhancement of the headwaters of Watts Branch,*

wetlands, flood areas, and wildlife habitats.

- *Proposals for provision of storm water management within the farm properties.*
- *Proposals for compliance with the Maryland Tree Conservation Act.*
- *Identification of suitable sites for usable public and private open spaces including dedication of public parkland based on a minimum ratio of 17 acres per 1,000 population with a cap of 100 acres.*

Staff Recommendation - The annexation agreement will contain broad guidelines for types of studies and plans to be submitted. The subsequent studies and the proposals contained therein will be subject to full public review during the comprehensive planned development Concept Plan application process. However, since environmental concerns were raised by a number of parties, we recommend expansion of the above requirements to include in the annexation agreement the "environmental goals," as suggested by the Maryland Office of Planning (quoted below).

1. Improve the current water quality of Watts Branch by requiring vegetated streamside buffers, by reducing stormwater runoff pollutants through the use of best management practices (e.g., use of porous paving, infiltration, retention ponds, velocity controls), and by locating the required open space, as much as practicable, along Watts Branch.
2. Protect existing natural features as much as practicable by minimizing stream crossings, prohibiting stream alterations, avoiding steep slopes, avoiding highly erodible soils, and protecting any identified rare, endangered, or threatened species on the site.

It was noted that comments and concerns received regarding environmental issues have been addressed in the above recommendations. However, the comments received from the Department of Natural Resources in a letter dated February 4 will be specifically addressed.

Meeting No. 09-92

10

February 25, 1992

Open Space and Parkland

- o Petitioners' attorney; several citizens; civic associations - Various views were presented regarding the amount and type of open space and public parkland.

Final Report Recommendation - The subsequent Concept Plan application shall include ... identification of suitable sites for usable public and private open spaces including dedication of public parkland based on a minimum ratio of 17 acres per 1,000 population with a cap of 100 acres.

Staff Recommendation - One of the basic requirements of a comprehensive development plan is that not less than 40 percent of the land shall be retained as natural open space or landscaped in accordance with a design plan approved by the Planning Commission. Given this requirement and the fact that public/private parkland needs cannot be determined without the benefit of the required environmental studies and a specific development proposal, it would seem impractical to establish minimum or maximum "public" parkland requirements at this stage. However, the City recognizes the importance of open space and parkland in the environmental fabric. This is particularly important in the context of concerns about global warming.

As to the requirement of 40% for open space, Councilmember Coyle asked if there are any other sites considered as part of the requirement or in addition thereto. Staff responded that the 40% open space and recreation area requirement does not address ownership of this space, and common areas owned by homeowners associations could be considered. The ratio of 17 acres per 1,000 population was based upon the City's current parks inventory.

Staff suggested looking at the needs of the particular community to be developed and keeping the ratio flexible.

Transitway

Meeting No. 09-92

11

February 25, 1992

- o Maryland Office of Planning; Montgomery County Planning Board; petitioners' attorney - The location, dedication, and implementation of the "transitway" concept contained in the Shady Grove Plan may be the single most important element influencing the development on the Irvington tract.

Final Report Recommendation - The final report contains several conditions of annexation directly related to the transitway:

- *The subsequent Concept Plan application shall contain ... provision for and dedication of the transitway right-of-way consistent with recommendations in the Shady Grove Plan.*
- *The final approved mix and density depends on the results of the required transportation analysis.*

Staff Recommendation - Since the transitway is of great concern to the State and Montgomery County, we recommend that appropriate language be added to the annexation agreement to:

1. **Provide for input from the State and County as to the location and alignment of the transitway.**
2. **Provide that proposed uses and site design shall be oriented to the transitway to try and reduce dependency on the single occupancy vehicle and increase use of the Shady Grove Metrorail station and other public transportation.**
3. **Provide that a transit management staging program will be developed to make efficient use of the transitway throughout the Irvington development cycle.**

Councilmember Marrinan requested the addition of language to number 2 above indicating that this is to ensure minimum adverse impact on the road network into the City.

Traffic Mitigation

Meeting No. 09-92

12

February 25, 1992

- o Maryland Office of Planning; Montgomery County Planning Board - These agencies are concerned that off-site traffic impact mitigation measures may not be satisfactory to their interests.

Final Report Recommendation - The subsequent Concept Plan application for a comprehensive planned development shall contain ... a detailed transportation analysis, prepared in accordance with the City's Standard Traffic Methodology, to determine the final amounts and staging of development in accordance with the adequacy of the existing and proposed transportation network.

Staff Recommendation - The final report included a discussion about the known limitations of the roadway system in the vicinity of the annexation. Although the conditions of annexation do not address specific intersections, those identified in correspondence from the State and County would be studied in the normal Standard Traffic Methodology analysis. We would naturally seek input from the State and County (as well as the developer) in impact analysis and mitigation determination. The annexation agreement should contain additional language to clarify that the City will obtain input from the State and County.

Councilmember Coyle suggested clarification that the City intends to go beyond a few intersections directly affected by the site in order to examine impacts outside the immediate area of the site.

Land Uses

- o Montgomery County Planning Board; Montgomery County Executive - The land uses recommended under the terms and conditions for annexation are not in substantial conformance with the Shady Grove Plan.
- Significantly more retail (380,000 square feet versus 120,000 square feet) and a different type

Meeting No. 09-92

13

February 25, 1992

of retail (General Commercial versus Neighborhood Serving);

- A maximum of 3,200 dwelling units in the City's plan versus a minimum of 3,200 dwelling units in the County master plan; and
- Significantly less commercial office space -- 2.3 million square feet versus 3.2 million square feet.

Both parties also raised concern that the site must not be underutilized.

Staff Recommendation - The land use recommendations could be modified to address these concerns as follows:

1. The number of dwelling units required could be stated as "approximately" 3,200 units, thereby not specifying a minimum or maximum. The Shady Grove Plan does not clearly state a minimum or maximum density.
2. The amount of office space could be increased as recommended by the Shady Grove Plan. The stipulation contained in annexation condition 2.a. of the final report, that the final mix and density depends on the results of the required transportation analysis, will still be a controlling factor.
3. A reduction in the proposed amount of general (highway oriented) commercial space would have a positive effect on off-site traffic impacts. Maintaining a strong local (neighborhood oriented) commercial component would also improve the "total community" design concept of development which likewise could reduce off-site impacts.
4. The design and location of the commercial space should not disrupt implementation of the transitway concept.

Councilmember Coyle referenced the retail recommendation and asked what criteria staff

Meeting No. 09-92

14

February 25, 1992

is using as opposed to the County's plan and if there is flexibility to change the numbers over time. Staff indicated that this would be dependent upon the wording of the annexation agreement, but staff is working on reducing the 380,000 square feet of retail.

In response to Councilmember Marrinan's question as to the amount of retail needed, staff stated that it can be stipulated that a market analysis of development will determine square footage of local commercial area. Councilmember Coyle was advised that local or neighborhood commercial space would include support to residences and businesses on the site.

Mayor Duncan requested that staff review in further detail number 3 above and provide the Mayor and Council with a revised recommendation.

House Type and Density

- o Montgomery County Planning Board; civic associations - The Shady Grove Plan specifies the residential land use to be 70-80 percent multi-family, 5-10 percent attached, and 10-20 percent detached; and places the highest density near the transit facility and the lowest density at the southern portion of the tract. The civic associations have suggested that there be less density and less multi-family housing, and that there be more housing in place of the commercial component.

Final Report Recommendation - Not more than 3,200 dwelling units, including MPDUs, in a variety of dwelling types including single family detached, townhouses, and multi-family dwellings.

Staff Recommendation - As noted previously, we recommend that this requirement be changed to "approximately" 3,200 dwelling units in place of "not more than." We believe sound site planning practice and urban design principles would achieve comparable mix and location conclusions as suggested in the Shady Grove Plan. However, market factors and site

Meeting No. 09-92

15

February 25, 1992

requirements of other potential users could influence the development plan. Therefore, flexibility on housing mix and location should be maintained. Clearly the density required will necessitate a significant multi-family component.

Staff's recommendation of "approximately 3,200 dwelling units" was approved.

FDA

o Petitioners' attorney - Annexation documents need to address the possibility of the FDA project.

Final Report Recommendation - None stated

Staff Recommendation - While the FDA is not specifically mentioned in the report, the potential of its location on the Irvington site has not been overlooked. The recommended conditions of the annexation agreement are, in part, intended to reflect the City's policies on many issues and are relevant regardless of the user of the property. Having an annexation agreement in place provides the City with a basis for discussion when, and if, the FDA desires to utilize the Irvington site. Also, the recommended O-3 Zone for the Irvington site can accommodate the needs of the FDA as we understand them. An annexation agreement can be modified, if necessary, with the consent of all parties.

It was agreed that the annexation agreement would include a clause which would permit changes and modifications if a new major user is identified or another significant event occurs.

The City Manager indicated that the annexation agreement will be drafted and distributed to all interested parties. March 20 will be the final date for comments, and the agreement will subsequently be presented to the Mayor and Council for their approval.

Meeting No. 09-92

16

February 25, 1992

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 8:50 p.m., to convene again in General Session at 7:30 p.m. on March 9, 1992, or at the call of the Mayor.